

# PLANNING COMMISSION MINUTES

April 3, 2002

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Dan Maks, Bill Young and Shannon Pogue; and Alternate Planning Commissioner Steven Olson.

Development Services Manager Steven Sparks, AICP, Associate Planner Veronica Smith, Associate Planner Liz Shotwell, Associate Planner Tyler Ryerson, Associate Planner Scott Whyte, Associate Planner Sambo Kirkman, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

On question, staff indicated that there were no communications at this time.

## NEW BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

**PUBLIC HEARINGS:****1. CPA 2002-0001 (Ord. # to be determined)****Duncan Lane Map Error Comprehensive Plan Map Amendment**

Request for Planning Commission approval of a Comprehensive Plan Map designation correction. City staff recently identified an error on the City's Comprehensive Plan Land Use Map designation for 7 parcels (Tax Lot 1300, 1400, 1500, 1600, 1700, 1800, and 1900 1S1-14BD). These tax parcels are located between SW 98<sup>th</sup> and SW Jamieson Road, along the north side of SW Duncan Lane. The City Council recently amended the Comprehensive Plan Land Use Map and designated certain tax parcels along the Beaverton Hillsdale Highway as Corridors. The map incorrectly assigned the Corridor designation to the subject sites. The proposed amendment is to correct the error by changing the designation from "Corridor" back to "Neighborhood Residential (NR) Low Density" Plan Map designation. The Zoning Map correctly identifies the tax parcels at Urban Residential (R-10) Low Density, a maximum of one dwelling unit for every 10,000 square feet of land area.

Commissioners Johansen, Bliss, Barnard and Maks Chairman Voytilla all indicated that while they had not visited with regard to this application, they were familiar with the site, and had no contact with any individual(s) with regard to this application.

Commissioners Young and Pogue indicated that they had visited the site and had no contact with any individual(s) with regard to this application.

Associate Planner Veronica Smith presented the Staff Report, and briefly described the proposal, observing that the application number on the first page of the Staff Report should be revised, as follows: CPA 2004~~2~~-0001 – Duncan Lane Map Error Correction. Concluding, she recommended approval of the request and offered to respond to any questions.

**PUBLIC TESTIMONY:**

On question, no member of the public appeared to testify with regard to this application.

On question, staff had no further comments at this time.

On question, City Attorney Ted Naemura indicated that he had no comments with regard to this application.

The public portion of the Public Hearing was closed.

Commissioners Bliss, Young, Maks, Barnard, Pogue and Johansen and Chairman Voytilla all expressed their opinion that the application meets applicable criteria and indicated that they would support a motion for approval.

Commissioner Young **MOVED** and Commissioner Barnard **SECONDED** a motion to approve CPA 2002-0001 – Duncan Lane Map Error Comprehensive Plan Amendment, based upon the testimony, reports and exhibits, new evidence presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 5, 2002, as amended.

Motion **CARRIED**, unanimously.

7:10 p.m. – Ms. Smith left.

**2. RZ 2002-0007 -- DOWNTOWN REGIONAL CENTER: “R-1” TO “RC-E”  
ZONE CHANGE -- APPLICATION FOR DEVELOPMENT REVIEW**

The following land use application has been submitted for the rezone of certain properties within the area south of SW Cabot Street, east of 117<sup>th</sup> Avenue, west of Highway 217, and north of Canyon Road. The following is a list of Washington County map and tax lot numbers for the parcels proposed to be rezoned:

1S1-10DB01300; 1S1-10DB01302; 1S1-10DB01301; 1S1-10DB01400;  
1S1-10DB01301; 1S1-10DB01500; 1S1-10DB01600; 1S1-10DB01700;  
1S1-10DC00900; 1S1-10DC01001; 1S1-10DC01000; 1S1-10DC01100;  
1S1-10DC01200; 1S1-10DC01307; 1S1-10CD00100; 1S1-10CD00101;  
1S1-10CD00200; 1S1-10CD00700; 1S1-10CD00700; 1S1-10CD00703;  
1S1-10CD01101

The zone change proposal affects multiple properties, comprising a total of approximately 20.0 acres. These properties are now zoned “R-1”, which is intended for Urban High Density Residential, at a maximum density of one dwelling unit for every 1,000 square feet of land area and also allows a limited number of other uses identified in Section 20.05.40 of the City’s Development Code. These parcels are proposed to be changed to Regional Center – East “RC-E” a multiple use zone that allows some commercial and residential uses. Section 20.20.05.15 of the Development Code lists the uses permitted, conditional, and prohibited within this zone. The Planning Commission will review the rezone request through the RZ2002-0007 application.

Commissioners Maks, Pogue, Young, Bliss and Johansen and Chairman Voytilla all indicated that they had visited the site and had no contact with any individual(s) with regard to this application.

Commissioner Barnard stated that while he is familiar with the site, he did not visit it nor had any contact with any individual(s) with regard to this application.

1 Associate Planner Liz Shotwell submitted the Staff Report and briefly described  
2 the application proposed by staff in order to comply with the newly adopted  
3 Comprehensive Plan designation, emphasizing that no new development or  
4 change to the existing development is proposed with this application.  
5 Concluding, she recommended approval and offered to respond to questions.

6

7 **PUBLIC TESTIMONY:**

8

9 **KATHY KILQUINE**, on behalf of the neighborhood, noted that she understands  
10 the intent of the rezone, adding that she realizes that no specific applications are  
11 proposed at this time with regard to these parcels. Pointing out that she had  
12 enjoyed working with the Planning Commission in the past with regard to the  
13 Lombard Project, she emphasized that anything that occurs in the City of  
14 Beaverton affects this neighborhood. Observing that she lives in a very stable  
15 neighborhood that includes children and families, she expressed concern that no  
16 future proposals resulting from this rezone would negatively impact this  
17 neighborhood. Pointing out that it is necessary to consider any potential impact  
18 with regard to pollution, noise, safety, crime and general aesthetics, she noted that  
19 the neighbors would like to be represented on any Advisory Boards that might be  
20 involved in any changes to this neighborhood.

21

22 The public portion of the Public Hearing was closed.

23

24 On question, staff had no further comments with regard to this application.

25

26 On question, Mr. Naemura indicated that he had no comments with regard to this  
27 application.

28

29 Commissioners Johansen, Barnard, Young, Bliss and Pogue and Chairman  
30 Voytilla expressed their opinion that the application meets applicable criteria,  
31 indicating that they would support a motion for approval.

32

33 Expressing his opinion that the application meets applicable criteria,  
34 Commissioner Maks stated that he would support a motion for approval, adding  
35 that this should be incorporated into the efforts of Washington County.

36

37 Commissioner Pogue **MOVED** and Commissioner Young **SECONDED** a motion  
38 to approve RZ 2002-0007 – Downtown Regional Center: “R-1” to “RC-E”, based  
39 upon the testimony, reports and exhibits, new evidence presented during the

1 Public Hearing on the matter and upon the background facts, findings and  
2 conclusions found in the Staff Report dated March 27, 2002.

3  
4 Motion **CARRIED**, unanimously.

5

6 **3. RZ 2002-0008 – DOWNTOWN REGIONAL CENTER: “R-1” TO “RC-**  
7 **TO” ZONE CHANGE – APPLICATION FOR DEVELOPMENT REVIEW**

8

9 The following land use application has been submitted for the rezone of certain  
10 properties within the area south of SW Center Street, east of Hall Boulevard, west  
11 of SW Lombard Street, and north of Beaver Dam Road. The following is a list of  
12 Washington County map and tax lot numbers for the parcels proposed to be  
13 rezoned:

14

1S1-10CC00500; 1S1-10CC00600; 1S1-10CC00701; 1S1-10CC00501;  
1S1-10CC00700

15

16 The zone change proposal affects multiple properties, comprising a total of  
17 approximately 10.75 acres. These properties are now zoned “R-1”, which is  
18 intended for Urban High Density Residential, at a maximum density of one  
19 dwelling unit for every 1,000 square feet of land area and also allows a limited  
20 number of other uses identified in Section 20.05.40 of the City’s Development  
21 Code. These parcels are proposed to be changed to Regional Center – Transit  
22 Oriented “RC-TO” a multiple use zone that allows some commercial and  
23 residential uses. Section 20.20.05.05 of the Development Code lists the uses  
24 permitted, conditional, and prohibited within this zone. The Planning  
25 Commission will review the rezone request through the RZ2002-0008 application.

26

27 Commissioners Johansen, Bliss, Young, Pogue and Maks and Chairman Voytilla  
28 all indicated that they had visited the site and had no contact with any  
29 individual(s) with regard to this application.

30

31 Commissioner Barnard indicated that while he had not made a specific site visit,  
32 he is familiar with the site.

33

34 Ms. Shotwell submitted the Staff Report and briefly described the application  
35 proposed by staff in order to comply with the newly adopted Comprehensive Plan  
36 designation, emphasizing that no new development or change to the existing  
37 development is proposed with this application. Concluding, she recommended  
38 approval and offered to respond to questions.

39

1 Chairman Voytilla noted that page 6 of the Staff Report indicates that no written  
2 public comments have been received, adding that there are written comments  
3 with regard to the Neighborhood Meeting.

4  
5 Ms. Shotwell advised Chairman Voytilla that while written comment had been  
6 received during the Neighborhood Meeting, none had been submitted through  
7 the application review process.

8  
9 **PUBLIC TESTIMONY:**

10  
11 **KATHY KILQUINE**, on behalf of the neighborhood, reiterated her comments  
12 with regard to RZ 2002-0007 – Downtown Regional Center: “R-1” to “RC-E  
13 Zone Change, pointing out that she understands the intent of the rezone and  
14 realizes that no specific applications are proposed at this time with regard to these  
15 parcels. Noting that she had enjoyed working with the Planning Commission in  
16 the past with regard to the Lombard Project, she emphasized that anything that  
17 occurs in the City of Beaverton affects this neighborhood. Observing that she  
18 lives in a very stable neighborhood that includes children and families, she  
19 expressed concern that no future proposals resulting from this rezone would  
20 negatively impact this neighborhood. Pointing out that it is necessary to consider  
21 any potential impact with regard to pollution, noise, safety, crime and general  
22 aesthetics, she noted that the neighbors would like to be represented on any  
23 Advisory Boards that might be involved in any changes to this neighborhood.

24  
25 On question, staff had no further comments with regard to this application.

26  
27 The public portion of the Public Hearing was closed.

28  
29 On question, Mr. Naemura indicated that he had no comments with regard to this  
30 application.

31  
32 Commissioners Maks, Barnard, Pogue, Young, Bliss, Johansen and Maks and  
33 Chairman Voytilla all expressed their opinion that the application meets  
34 applicable criteria, indicating that they would support a motion for approval.

35  
36 Commissioner Young **MOVED** and Commissioner Bliss **SECONDED** a motion  
37 to approve RZ 2002-0008 – Downtown Regional Center: “R-1” to “RC-TO”,  
38 based upon the testimony, reports and exhibits, new evidence presented during the  
39 Public Hearing on the matter and upon the background facts, findings and  
40 conclusions found in the Staff Report dated March 27, 2002.

1 Motion **CARRIED**, unanimously.

2  
3 Development Services Manager Sparks announced that any individuals who  
4 intend to testify with regard to any of the proposals are required to complete and  
5 submit a yellow card to the Recording Secretary.

6  
7 **4. RZ2002-0009 (Ord. #s to be determined) HALL/HWY 217 GC TO LI ZONE**  
8 **CHANGE, Zoning Map Amendment**

9 The applicant, the City of Beaverton, proposes to amend the Zoning Map on  
10 properties generally located west of Highway 217, north of SW Hall Boulevard  
11 and east of the Southern Pacific Railroad. The subject properties may be  
12 specifically identified as Tax Lots 100, 200, and 300 on Washington County Tax  
13 Assessors Map 1S1-27AA, as well as that portion of Tax Lot 100 that is west of  
14 Hwy 217 on Washington County Tax Map 1S1-22DD. The proposal, if approved,  
15 would change the zoning on the subject parcels, or portions thereof, from General  
16 Commercial (GC) to Light Industrial (LI). The proposed LI zoning district allows  
17 the current use and implements the new Comprehensive Plan Land Use Map  
18 designation of Industrial, which became effective on February 7, 2002. Two  
19 other Industrial zones are available that also implement the Plan Map designation  
20 of Industrial, these being Campus Industrial (CI) and Industrial Park (IP). In  
21 taking action on the proposed request the Planning Commission shall base its  
22 decision on the approval criteria listed in Section 40.90.15.2.C. of the  
23 Development Code.

24  
25 Commissioners Johansen and Bliss indicated that they drive by and observe the  
26 site on a daily basis and have not had any contact with any individual(s) with  
27 regard to this application.

28  
29 Commissioners Young, Barnard and Pogue indicated that they had visited the site  
30 and had not had any contact with any individual(s) with regard to this application.

31  
32 Chairman Voytilla and Commissioner Maks indicated that although they made no  
33 specific site visit, they are familiar with the site and have not had any contact with  
34 any individual(s) with regard to this application.

35  
36 Associate Planner Scott Whyte submitted the Staff Report and briefly described  
37 the application proposed by staff in order to comply with the newly adopted  
38 Comprehensive Plan designation, emphasizing that no new development or  
39 change to the existing development is proposed with this application.  
40 Concluding, he recommended approval and offered to respond to questions.

41  
42 **PUBLIC TESTIMONY:**

43  
44 On question, no member of the public appeared to testify with regard to this  
45 application.  
46

1 On question, staff had no further comments with regard to this application.

2  
3 On question, Mr. Naemura indicated that he had no comments with regard to this  
4 application.

5  
6 The public portion of the Public Hearing was closed.

7  
8 Commissioners Barnard, Young, Pogue, Johansen, Maks and Bliss and Chairman  
9 Voytilla all expressed their opinion that the application meets applicable criteria  
10 and indicated that they would support a motion for approval.

11  
12 Commissioner Young **MOVED** and Commissioner Pogue **SECONDED** a motion  
13 to approve RZ 2002-0009 – Hall/Highway 217 General Commercial (GC) to  
14 Light Industrial (LI) Zone Change, based upon the testimony, reports and  
15 exhibits, new evidence presented during the Public Hearing on the matter and  
16 upon the background facts, findings and conclusions found in the Staff Report  
17 dated March 27, 2002.

18  
19 Motion **CARRIED**, unanimously.

20  
21 **5. RZ2002-0010 East Murray / Davies Residential Zone Change**  
22 **APPLICATION FOR DEVELOPMENT REVIEW**

23 The following land use application has been submitted for the rezone of four  
24 properties located east of SW Murray Boulevard, south of SW Weir Road, north  
25 of SW Spaniel Court, west of SW 141<sup>st</sup> Avenue, as well as three parcels generally  
26 located on SW Davies Road, south of SW Spaniel Street and SW Citation Drive,  
27 north of SW Otter Lane. The following is a list of Washington County map and  
28 tax lot numbers for the parcels proposed to be rezoned:

29  
30 1S128CC01000; 1S128CC01100; 1S133BB01500; 1S133BB01900;  
31 1S1BB02000; 1S133BA03900; 1S133BB03901

32 The zone change proposal affects seven properties that are approximately 16 acres  
33 in size. These properties are now zoned “R-A”, which is intended to promote the  
34 development and continuation of agricultural land uses with a density of one  
35 dwelling unit for every 5 acres of land area and also allows a limited number of  
36 other uses identified in Section 20.05.05 of the City’s Development Code. These  
37 parcels are proposed to be changed to the “R-5” zone Urban Standard Density  
38 Residential (5,000 square feet minimum lot size per dwelling) or the “R-7” zone  
39 Urban Standard Density Residential (7,000 square feet minimum lot size per  
40 dwelling) or combinations of both zones. The R-7 and the R-5 zones are  
41 currently located in the surrounding area. Either of the proposed zoning  
42 designations will allow for a greater number of dwellings than the “R-A” zone.  
Sections 20.05.15 and 20.05.20 of the Development Code lists the uses permitted,



1 conditional, and prohibited within these zones. The Planning Commission will  
2 review the rezone request through the RZ2002-0010 application.

3  
4 Observing that he had no ex parte contact nor conflict of interest, Commissioner  
5 Maks mentioned that he had received the public notification required for those  
6 properties located within 500-feet of the application. Noting that two of the  
7 affected tax lots are owned by friends and/or acquaintance and that several of the  
8 tax lots are visible through his living room window, he pointed out that this  
9 would not affect his ability to be fair, impartial and unbiased in making a  
10 decision with regard to this application.

11  
12 Commissioner Johansen and Chairman Voytilla stated that while they had not  
13 made a specific site visit, they are familiar with these sites.

14  
15 Commissioners Bliss, Young, Barnard and Pogue indicated that they had driven  
16 through the site and had no contact with any individuals with regard to this  
17 application.

18  
19 Commissioner Maks observed that he lives in the neighborhood and is familiar  
20 with these sites.

21  
22 Associate Planner Tyler Ryerson submitted the Staff Report and briefly described  
23 the application proposed by staff in order to comply with the newly adopted  
24 Comprehensive Plan designation, emphasizing that no new development or  
25 change to the existing development is proposed with this application. He referred  
26 to a Memorandum, dated April 3, 2002, which is attached to two communications,  
27 received from Barbara H. Fredericks, dated March 27, 2002; and Kelvin Snyder,  
28 Dianna Schmid, Mike and Leann Kjemhus, Pat Goldstone, Linda Lanz, and Mark  
29 and Stephanie Stonewall, dated April 3, 2002, requesting that the properties near  
30 their homes change to the "R-7" zoning designation, rather than the proposed "R-  
31 5" zoning designation. Observing that a communication from Alan and Leslie  
32 Polaski had been received prior to the printing of the Staff Report and is included  
33 in that document, he mentioned a fourth communication that had just been  
34 received from James W. Jandacek, dated April 3, 2002, also requesting the "R-7"  
35 zoning designation rather than the "R-5" zoning designation. Concluding, he  
36 recommended approval of the R-5 zoning designation and offered to respond to  
37 questions.

38  
39 Commissioner Pogue referred to a communication from the Archdiocese of  
40 Portland requesting that their property be rezoned to the "R-5" zoning  
41 designation, and Mr. Ryerson advised him that the Archdiocese owns one of the  
42 larger parcels affected by the proposal, adding that his only contact had been  
43 through this communication, dated March 7, 2002, and several telephone  
44 conversations.

45

1 Commissioner Maks pointed out that the location of the properties abutting SW  
2 Murray Boulevard could be considered corridor properties according to Metro's  
3 2040 Plan, requesting clarification of why staff had recommended an "R-5",  
4 rather than an "R-2", "R-3.5" or "R-4" zoning designation.

5  
6 Mr. Ryerson provided a brief history of these properties, observing that when they  
7 had annexed into the City of Beaverton they had received a Comprehensive Plan  
8 designation of Urban Standard Density. Noting that these properties have  
9 retained this designation, he pointed out that the Zoning designation has been  
10 Agricultural, adding that the corresponding matrix that has been developed allows  
11 for either an "R-5" or "R-7" zoning designation.

12  
13 **PUBLIC TESTIMONY:**

14  
15 **RONALD ASHPES** mentioned that his property is located to the north of many  
16 of the properties affected by this proposal, adding that he is basically concerned  
17 with the proposed "R-5" zoning designation. He expressed his opinion that it is  
18 incongruous to designate a portion of this area "R-5", emphasizing that this could  
19 potentially affect the property value. Referring to Criteria 20.05.20, which  
20 addresses Single-Family District "R-5", he noted that the permitted uses could  
21 include a mobile home park. Observing that as a property owner he finds this  
22 possibility completely unacceptable, he concluded that the "R-7" zoning  
23 designation is the most appropriate designation for these properties.

24  
25 **JIM JANDACEK** submitted copies of a written document dated April 3, 2002,  
26 noting that his property is located directly east of one of the four parcels affected  
27 by the proposed zone change. He mentioned that some of his remarks might  
28 represent the views of his wife, Barbara Fredericks, who submitted a letter dated  
29 March 27, 2002 and is unable to be in attendance at this time. Referring to the  
30 detailed map that was included with the public notice, he pointed out that four  
31 neighborhoods are basically located adjacent to the parcel he is concerned with,  
32 adding that all four of these neighborhoods are located on the east side of SW  
33 Murray Boulevard and that he would not address any areas located on the west  
34 side of SW Murray Boulevard. Observing that the four neighborhoods in  
35 question include the Dapplegray Loop Neighborhood, the Saddle Drive  
36 Neighborhood, the Steeplechase Development, and the Southwest Spaniel Court  
37 Neighborhood. He expressed his opinion that this rezone would have a  
38 detrimental impact on all four neighborhoods, adding that this would most  
39 directly impact the property directly abutting the property proposed to be rezoned.  
40 He expressed concern with the lack of effective screening between the back yards  
41 of the existing homes and the parcels proposed for rezone. Pointing out that his  
42 own lot is approximately 7,840 square feet in size, he expressed his opinion that  
43 his lot is very definitely an established "R-7" lot. He mentioned that a builder has  
44 the option of building an "R-5" zoned property to "R-7" specifications,  
45 emphasizing that "R-5" provides a minimum, rather than a maximum, density.  
46 He noted that the entire Steeplechase Neighborhood has been built to "R-7" or

1 greater specifications. Referring to page 6 of the Staff Report, he pointed out that  
2 a great deal of emphasis is given to the existing zoning designation of "R-5". He  
3 observed that staff has not given adequate consideration to a great number of  
4 these properties, including 75 homes and two additional lots on Steeplechase, 37  
5 lots on Dapplegray and 16 lots on Saddle Drive.

6  
7 Chairman Voytilla advised Mr. Jandacek that the Staff Report provides  
8 information with regard to the applicable criteria on which this decision would be  
9 based.

10  
11 Mr. Jandacek informed Chairman Voytilla that he had requested a copy of the  
12 Staff Report from the Planning desk on Friday, March 29, 2003, adding that it had  
13 not been available.

14  
15 Mr. Ryerson commented that copies of these Staff Reports are available for one  
16 week prior to Public Hearing, adding that he is not aware of any reason that could  
17 have prevented this document from being available to Mr. Jandacek.

18  
19 Mr. Jandacek repeated that he had attempted to obtain a copy of the Staff Report,  
20 and referred to page 11, expressing his opinion that staff is acknowledging that an  
21 "R-7" zoning designation would be appropriate for this property. He requested  
22 the opportunity to quickly review the remainder of the document while other  
23 members of the public are testifying, adding that he would like to be allowed to  
24 respond later during the hearing.

25  
26 Chairman Voytilla agreed to allow Mr. Jandacek to testify further following his  
27 review of the Staff Report, reiterating that it is necessary to address issues with  
28 regard to the applicable criteria.

29  
30 Referring to page 6 of the Staff Report, Mr. Jandacek pointed out that the second  
31 paragraph indicates that permitted uses and prohibited uses are virtually the same  
32 between the "R-5" and "R-7" zoning districts. He emphasized that Mr. Ashpes  
33 had called attention to a very significant difference, specifically the fact that a  
34 mobile home park would be permitted within the "R-5" zoning district.

35  
36 **THOMAS HOWBERT** noted that his property, which is zoned "R-5", is located  
37 south of the subject property affected by this proposal, adding that he would like  
38 to discuss what he referred to as the "spirit of the development of Oregon".  
39 Observing that he had attended some Metro meetings, he mentioned that when he  
40 grew up in Oregon, there had been a great deal of paranoia with regard to the  
41 possibility that the entire State of Oregon could develop into a huge matrix of  
42 roads, houses and developments similar to Southern California. Expressing his  
43 opinion that this concept is what had possibly brought Metro into being, he  
44 pointed out that because Metro is attempting to prevent the expansion of the urban  
45 growth limits, what he referred to as "extreme density" is beginning to develop.  
46 Noting that this is creating a great deal of stress on services and facilities, he

1 expressed his opinion that the “R-7” zoning designation would in some way  
2 decrease the density for the entire area.

3  
4 **LESLIE ELLIOT** mentioned that her property is located south of Spaniel and  
5 west of Davies, emphasizing that her home is registered as one of the local  
6 historic houses, adding that it had been built in 1912 and is located on slightly less  
7 than one acre of land. Observing that the City of Beaverton has recently  
8 conducted a Significant Tree Inventory, she pointed out that several of the trees  
9 located on her property are included within this document. Noting that the  
10 property owners had been under the assumption that they would have the option  
11 of choosing between the “R-5” and “R-7” zoning designations, she expressed her  
12 opinion that after careful consideration, it appeared that the “R-5” zoning  
13 designation would have a serious detrimental affect upon the livability of her  
14 home. Concluding, she requested that her property be specifically assigned the  
15 “R-7”, rather than “R-5”, zoning designation.

16  
17 Commissioner Maks requested clarification of which tax lot is owned by Ms.  
18 Elliott.

19  
20 Ms. Elliott informed Commissioner Maks that her tax lot is 1S133BB01500.

21  
22 Mr. Ryerson observed that this tax lot is located on the west side of Davies.

23  
24 Commissioner Maks pointed out that he had assumed that all of the rezones  
25 proposed were consistent with what each property owner wanted.

26  
27 Mr. Ryerson advised Commissioner Maks that although the Elliots had originally  
28 indicated that they preferred the “R-5” zoning designation, they had later changed  
29 their mind.

30  
31 **LEANN KJEMHUS** mentioned that she represents four or five families in the  
32 area referred to as Tamaray Acres, she pointed out that this area is located just  
33 south of the Steeplechase Neighborhood. She noted that while the individuals she  
34 represents realize that most of the properties in their area are zoned “R-5”, most  
35 of their homes are located on lots that are considerably larger than what would be  
36 required for even an “R-7” designation. She read a prepared statement, observing  
37 that this neighborhood had been created prior to the implementation of minimum  
38 density requirements, she pointed out that most of the residents had purchased and  
39 moved into these homes prior to this time. Noting that she realizes that those  
40 individuals with property currently zoned R-A (Residential –Agricultural) would  
41 prefer the R-5 zoning designation, which would allow them to subdivide their  
42 property into more parcels, thereby increasing their profits, she emphasized that  
43 this action would have the opposite effect upon her neighborhood, adding that the  
44 properties and homes would be devalued. She mentioned that she and he  
45 neighbors strongly support the UGB, expressing her opinion that a compromise is  
46 necessary in order to preserve the integrity of some of the local neighborhoods.

1 She pointed out that if you build it, they will come, adding that there is enough  
2 space in the Portland Metropolitan area that it is not necessary to increase density  
3 to this degree. Concluding, she urged the Planning Commissioners to consider  
4 the R-7 zoning designation for this area.

5  
6 Commissioner Maks advised Ms. Kjemhus that State law stipulates that the City  
7 of Beaverton is required to provide housing for the increased population that will  
8 be occurring within the next twenty years.

9  
10 Ms. Kjemhus indicated that she has observed other property within the City of  
11 Beaverton that could be redeveloped prior to this particular property.

12  
13 Commissioner Maks pointed out that the issue is the potential expansion of the  
14 UGB, emphasizing that there is not adequate room within the present UGB to  
15 provide for this 20-year growth.

16  
17 Ms. Kjemhus mentioned that she is also concerned that the existing street system  
18 within her neighborhood are not capable of handling the additional traffic that  
19 would be created by the increased densification, expressing her opinion that this is  
20 neither proper nor fair to the current homeowners.

21  
22 Commissioner Maks clarified that Ms. Kjemhus has indicated that the density  
23 should increase somewhere other than in her neighborhood.

24  
25 Ms. Kjemhus informed Commissioner Maks that there are areas other than her  
26 neighborhood that would be more appropriate for increasing density, emphasizing  
27 that it is not appropriate to hurt the current values of existing homes.

28  
29 Commissioner Bliss referred to Ms. Kjemhus' comments indicating that the  
30 existing homes would decrease in value, requesting clarification of how she has  
31 reached this conclusion.

32  
33 Ms. Kjemhus expressed her personal opinion that the homes on her street, which  
34 range in size from 2,200 to 3,500 square feet, could not be constructed on the  
35 smaller lots, from 4,500 to 5,000 square feet, as provided by the R-5 zoning  
36 designation. She further explained that the value of her home would be "averaged  
37 in" with the value of the smaller newer homes, which are located on smaller lots,  
38 observing that this would decrease the value of her home. She pointed out that  
39 with smaller lots and smaller garages, the residents tend to park on the street,  
40 which results in a different type of a neighborhood.

41  
42 Commissioner Bliss advised Ms. Kjemhus that he has a different perception of  
43 this situation, expressing his opinion that there is a certain value in downsizing.

44  
45 Noting that perhaps she has not expressed herself appropriately, Ms. Kjemhus  
46 emphasized that being located next to homes of less quality that range in value

1 from \$180,000 to \$200,000 home would decrease the value of homes ranging in  
2 value from \$300,000 to \$400,000.

3  
4 **DONNA GROSSMAN** mentioned that she is the owner of Tax Lot 3901, which  
5 is the smallest parcel (.52 acres) that would be affected by this action, noted that  
6 she concurs with the comments of her neighbors. She pointed out that there has  
7 been some inaccurate assumptions with regard to the value of homes on smaller  
8 lots, noting that the new homes on the 5,000 square foot lots in the Stanton Acres  
9 Subdivision, which is zoned R-5, are selling at \$455,000 and up. Observing that  
10 she would like to speak on behalf of Leslie Elliot, the owner of Tax Lot 1500, she  
11 pointed out that the property owners have been operating on the assumption that  
12 they would have the option of choosing between the R-5 and R-7 zoning  
13 designations. She mentioned that she had been surprised to discover that staff has  
14 recommended that all of these properties be zoned R-5, she expressed her support  
15 of the Elliots, requesting that the Planning Commission honor their understanding  
16 and subsequent decision to have their property zoned R-7. In response to a  
17 question by Commissioner Maks, she indicated that because it does not appear  
18 that four homes could actually be located on her lot, she would be comfortable  
19 with the R-5 zoning designation for her property.

20  
21 **DEBBIE DAEYMONAZ**, introduced herself and her husband, Dan Daeymonaz,  
22 observing that their property is located on SW Davies Road across from the  
23 Elliott's home. Emphasizing that they don't necessarily agree with the concept of  
24 rezoning their property, she pointed out that they had always anticipated that they  
25 would have the opportunity to redevelop their property into one or two additional  
26 lots at some future point, adding that the minimum density formula would force  
27 them to create smaller lots than they had previously considered. Expressing her  
28 support of the Elliots, she pointed out that it would be inappropriate to make any  
29 changes that would affect that old historic farmhouse.

30  
31 Ms. Kjemhus requested clarification of whether the R-5 zoning of the property on  
32 SW Fox Lane south of SW Spaniel Court would require any property owner to  
33 build at that particular densification.

34  
35 Chairman Voytilla advised Ms. Kjemhus that the required density for this  
36 property would be 80% of what the appropriate zone would allow.

37  
38 Commissioner Maks pointed out that this density would be 80% after the roads  
39 and utilities, as well as proper ingress and egress have been provided.

40  
41 Ms. Daeymonaz mentioned that the owner of this property had determined that it  
42 was possible to locate seven units within this property.

43  
44 Commissioner Maks explained that waivers with regard to the 80% density  
45 requirement are available based upon wildlife habitat and natural resources, etc.,  
46 adding that the density could also be shifted in order to accommodate eight units.

1        **STEPHANIE SPARKS** mentioned that she and her husband own the second  
2        property off of SW Weir Road, noting that while there has been a great deal of  
3        discussion with regard to the advantages and disadvantages of the R-5 versus the  
4        R-7 zoning designation, she has a major concern with the potential impact to  
5        transportation.

6  
7        Chairman Voytilla advised Ms. Sparks that there are currently no specific  
8        development proposals with regard to this area.

9  
10       Assuring Chairman Voytilla that she understands that no specific developments  
11       with regard to this area are proposed at this time, Ms. Sparks emphasized that the  
12       first step in any potential development involves this zone change. She  
13       respectfully requests that this area retain its current R-7 zoning designation,  
14       expressing her opinion that this would have less detrimental impact on any traffic  
15       in the vicinity.

16  
17       Indicating that he had reviewed the Staff Report, Mr. Jandacek continued his  
18       comments with regard to the proposal. He mentioned that he strongly urges that  
19       the Planning Commissioners walk through the area, as opposed to driving  
20       through, with respect to assessing the effect of the proposed rezoning of this  
21       property. Referring to the benefits with regard to opting for the R-5, rather than  
22       the R-7, zoning designation, he pointed out that the only obvious benefit would be  
23       that the R-5 zoning designation would allow more single-family housing units to  
24       be constructed in the area. He expressed his opinion that this would create a  
25       negative impact on schools, adding that the budget deficit would affect the  
26       funding of educational programs. Concluding, he pointed out that while this  
27       action would clearly increase traffic in the area, these transportation issues have  
28       been brought up by other members of the public.

29  
30       Mr. Howbert pointed out that although they are most likely the smallest lots in the  
31       area, the lots in his neighborhood are approximately 7,000 square feet in size.

32  
33       **REBUTTAL:**

34  
35       Mr. Ryerson briefly addressed the issues that had been raised through public  
36       testimony, pointing out that the buffering would be reviewed with the submittal of  
37       any proposed development application. Referring to the issue of minimum  
38       density, he noted that at the time the properties adjacent to the subject properties  
39       were developed in the early 1990's, there were no minimum density requirements.  
40       He noted that although a minimum density of the 80% of the net acreage must be  
41       met, the properties do not have to develop to that density provided that they can  
42       demonstrate or shadow plat parcels that could be developed in the future without  
43       the approval of a Variance. Concluding, he pointed out that while staff had  
44       provided a general recommendation of the "R-5" zoning designation for all seven  
45       lots, the Planning Commission has the option of providing the "R-5" zoning  
46       designation for any or all of the lots, and offered to respond to any questions.

1 Mr. Sparks mentioned that in addition to Mr. Ryerson's comments, the testimony  
2 provided indicated that the zoning between the "R-5" and "R-7" zoning  
3 designations are virtually identical with one major difference, specifically that the  
4 "R-5" zoning designation would allow a mobile home park. He referred to  
5 testimony that had been provided with regard to the Fox Woods Development,  
6 observing that this application for a Planned Unit Development (PUD) is not an  
7 administrative decision, adding that it has been withdrawn and is no longer under  
8 consideration.

9  
10 Mr. Janacek referred to Mr. Ryerson's indication that the impact of any  
11 development on the adjacent property owners would be considered within the  
12 context of any proposed development application, observing that because this  
13 would be true whether the property is zoned "R-7" or "R-5", no adequate  
14 justification for the proposed "R-5" zoning designation has been demonstrated.  
15 He emphasized that deferring issues to future proceedings does not appropriately  
16 resolve the issue of "R-5" versus "R-7".

17  
18 The public portion of the Public Hearing was closed.

19  
20 On question, Mr. Naemura indicated that he had no comments with regard to this  
21 application.

22  
23 Commissioner Johansen pointed out that while both the "R-5" and "R-7" zoning  
24 designations appear appropriate for different reasons, the major difference is that  
25 a mobile home park is an allowed use within the "R-5" zoning district. He  
26 pointed out that no evidence presented demonstrates that the level of services  
27 would be impacted to a greater degree with the proposed "R-5" zoning  
28 designation. Observing that he understands the concerns expressed by the  
29 neighbors and wishes there was a way to address this issue, he mentioned that  
30 there are other areas within the City of Beaverton where "R-5" and "R-7" zoning  
31 designations exist together without affecting compatibility. Concluding, he  
32 expressed his support of the application, adding that he would support a motion  
33 for approval.

34  
35 Commissioners Barnard, Bliss, Maks and Pogue and Chairman Voytilla indicated  
36 that the application meets applicable criteria, noting that they would support a  
37 motion for approval.

38  
39 Commissioner Young pointed out that he is prepared to support staff's  
40 recommendation with regard to this application.

41  
42 Commissioner Maks **MOVED** that RZ 2002-0010 – East Murray/Davies  
43 Residential Zone Change/ Application for Development Review, be  
44 **APPROVED**, based upon the testimony, reports and exhibits presented during  
45 the Public Hearing on the matter and upon the background facts, findings and



conclusions found in the Staff Report dated March 27, 2002, including the following Condition of Approval:

1. 1S133BB01500 shall be rezoned to R-7.

Commissioner Barnard proposed a friendly amendment to the motion, revising the date of the footer on the Staff Report, as follows: March 27, 2000~~2~~.

Mr. Naemura suggested that the motion should be structured as a motion, rather than a motion with a condition.

Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a motion that RZ 2002-0010 – East Murray/Davies Residential Zone Change/ Application for Development Review, be **APPROVED**, based upon the testimony, reports and exhibits presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 27, 2002, and that the parcel 1S133BB01500 shall be rezoned to R-7, as requested by the property owner.

Motion **CARRIED**, by the following roll call vote:

**AYES:** Barnard, Bliss, Johansen, Maks, Pogue and Voytilla.

**NAY:** Young

9:11 p.m. – Mr. Whyte left.

9:11 p.m. to 9:16 p.m. – break.

**6. RZ 2002-0011 (DOWNTOWN REGIONAL CENTER: “R-1” TO “RC-OT”  
ZONE CHANGE)  
APPLICATION FOR DEVELOPMENT REVIEW**

The following land use application has been submitted for the rezone of certain properties within the area south of SW 2<sup>nd</sup> Street, east of SW Stott Avenue, west of the railroad tracks, and north of SW 5<sup>th</sup> Street. The following is a list of Washington County map and tax lot numbers for the parcels proposed to be rezoned:

1S115BC04100, 1S115BC04101, 1S115BC04200, 1S115BC04300,  
1S115BC04400, 1S115BC04500, 1S115BC04600, 1S115BC04601,  
1S115BC04602, 1S115BC04690, 1S115BC04800, 1S115BC04900,  
1S115BC05000, 1S115BC05700, 1S115BC05800, 1S115BC05900,  
1S115BC06000, 1S115BC06100, 1S115BC06200, 1S115BC06300,  
1S115BC06500, 1S115BC06600, 1S115BC09300, 1S115BC09500,  
1S115BC09600, 1S115BC09700, 1S115BC09800, 1S115BC10000,  
1S115BC90000, 1S115BC90001, 1S115BC90002, 1S115BC90003,

1 1S115BC90004, 1S115BC90005, 1S115BC90006, 1S115BC90007,  
2 1S115BC90008, 1S115BC90009, 1S115BC90010, 1S115BC90011,  
3 1S115BC91000, 1S115BC91001, 1S115BC91002, 1S115BC91003,  
4 1S115BC91004, 1S115BC91005, 1S115BC91006, 1S115BC91007,  
5 1S115BC91008, 1S115BD01700, 1S115BD01800, 1S115BD01900,  
6 1S115BD02000, 1S115BD02100, 1S115BD02200, 1S115BD02300,  
7 1S115BD02400, 1S115BD02500, 1S115BD02501, 1S115BD02601,  
8 1S115BD02700, 1S115BD02701, 1S115BD02702, 1S115BD03100,  
9 1S115BD03300, 1S115CA00100, 1S115CA00200, 1S115CA00300,  
10 1S115CA00400, 1S115CA00500, 1S115CA00600, 1S115CA00601,  
11 1S115CA00800, 1S115CA00900, 1S115CA00901, 1S115CA00902,  
12 1S115CA00903, 1S115CA01900, 1S116AD08300, 1S116AD08700,  
13 1S116AD08800, 1S116AD08801, 1S116AD08900, 1S116AD09200,  
14 1S116AD09300, 1S116AD09400, 1S116AD09500, 1S116AD09600,  
15 1S116AD09700, 1S116AD09800, 1S116AD09900, 1S116AD09901,  
16 1S116AD10000, 1S116AD10100, 1S116AD10200, 1S116AD10300,  
17 1S116AD10400, 1S116AD10500, 1S116AD10600, 1S116AD10601,  
18 1S116AD10700, 1S116AD10800

19  
20 These properties are now zoned “R-1”, which is intended for Urban High Density  
21 Residential, at a maximum density of one dwelling unit for every 1,000 square  
22 feet of land area and also allows a limited number of other uses identified in  
23 Section 20.05.40 of the City’s Development Code. These parcels are proposed to  
24 be changed to Regional Center – Old Town “RC-OT” a multiple use zone that  
25 allows some commercial and residential uses. Section 20.20.05.10 of the  
26 Development Code lists the uses permitted, conditional, and prohibited within this  
27 zone. The Planning Commission will review the rezone request through the  
28 RZ2002-0011 application.

29  
30 Associate Planner Sambo Kirkman presented the Staff Report and briefly  
31 described the application proposed by staff in order to comply with the newly  
32 adopted Comprehensive Plan designation, emphasizing that no new development  
33 or change to the existing development is proposed with this application. She  
34 pointed out that staff had received questions from a property owner along SW  
35 Washington Street south of SW 5<sup>th</sup> Street requesting clarification of why that area  
36 had not been included with the proposed rezone applications. She explained that  
37 although the Comprehensive Plan designations of certain parcels located north of  
38 SW 5<sup>th</sup> Street had been changed to RC (Regional Center), the parcels located  
39 south of SW 5<sup>th</sup> Street were not, adding that they are currently assigned  
40 Neighborhood Residential designations. Concluding, she recommended approval  
41 of the application and offered to respond to questions.

42  
43 **PUBLIC TESTIMONY:**

44  
45 On question, no member of the public appeared to testify with regard to this  
46 application.

1 On question, staff had no further comments with regard to this application.

2  
3 On question, Mr. Naemura indicated that he had no comments with regard to this  
4 application.

5  
6 The public portion of the Public Hearing was closed.

7  
8 Planning Commissioners Barnard, Young, Bliss, Pogue, Johansen and Maks and  
9 Chairman Voytilla indicated that the proposal meets applicable criteria and that  
10 they would support a motion for approval.

11  
12 Commissioner Pogue **MOVED** and Commissioner Maks **SECONDED** a motion  
13 to approve RZ 2002-0011 – Downtown Regional Center: R-1 to RC-OT Zone  
14 Change/Application for Development Review, based upon the testimony, reports  
15 and exhibits presented during the Public Hearing on the matter and upon the  
16 background facts, findings and conclusions found in the Staff Report dated March  
17 27, 2002.

18  
19 Motion **CARRIED**, unanimously.

20  
21 **7. RZ 2002-0012 -- BEAVERTON CITY PARK “R-1” TO “RC-OT” ZONE**  
22 **CHANGE) -- APPLICATION FOR DEVELOPMENT REVIEW**

23 The following land use application has been submitted for the rezone of certain  
24 properties located at 4975 SW Hall Boulevard, 4950 SW Watson Boulevard, and  
25 on adjacent public right-of-way. The following is a list of Washington County  
26 map and tax lot numbers for the parcels proposed to be rezoned: 1S116AD09100  
27 and 1S115BC09200. The parcels and public right-of-way are approximately 3  
28 acres in size. These properties are now zoned “R-1”, which is intended for Urban  
29 High Density Residential, at a maximum density of one dwelling unit for every  
30 1,000 square feet of land area and also allows a limited number of other uses  
31 identified in Section 20.05.40 of the City’s Development Code. These parcels are  
32 proposed to be changed to Regional Center – Old Town “RC-OT” a multiple use  
33 zone that allows some commercial and residential uses. Section 20.20.05.10 of  
34 the Development Code lists the uses permitted, conditional, and prohibited within  
35 this zone. The Planning Commission will review the rezone request through the  
36 RZ 2002-0012 application.

37  
38 On question, all Planning Commissioners indicated that they had visited the site  
39 and had not had any contact with any individual(s) with regard to this application.

40  
41 Ms. Kirkman presented the Staff Report and briefly described the application.  
42 Concluding, she recommended approval and offered to respond to any questions.  
43

Ms. Kirkman responded to a question from Commissioner Young, observing that that although this application and the previous application (RZ 2002-0011) are similar, with the exception of the location, this application had not been combined with the previous application because staff had been working on this particular rezone prior to initiating the legislative amendment for the entire downtown area.

**PUBLIC TESTIMONY:**

On question, no member of the public testified with regard to this application.

On question, staff had no further comments with regard to this application.

On question, Mr. Naemura had no comments with regard to this application.

The public portion of the Public Hearing was closed.

On question, all Planning Commissioners indicated that the proposal meets applicable criteria and that they would support a motion for approval.

Commissioner Maks commended Ms. Kirkman for what he referred to as a superior Staff Report.

Commissioner Young **MOVED** and Commissioner Bliss **SECONDED** a motion to **APPROVE** RZ 2002-0012 – Beaverton City Park “R-1” to “RC-OT” Zone Change – Application for Development Review, based upon the testimony, reports and exhibits presented during the Public Hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated March 27, 2002.

Motion **CARRIED**, unanimously.

**MISCELLANEOUS BUSINESS:**

Referring to a Memorandum from Principal Planner Hal Bergsma with regard to a previous action taken on March 27, 2002, concerning RZ 2002-0004 – Knollhurst Condominiums and Hyland Hills Townhomes Zoning Map Amendments, Chairman Voytilla requested clarification of whether the concerns of the Planning Commissioners had been addressed appropriately.

Commissioner Barnard expressed his support of the Land Use Order prepared by staff, noting that it adequately summarizes the intent of the Planning Commission.

Commissioner Maks indicated that he is satisfied with the document as well.

Chairman Voytilla pointed out that no meeting is scheduled for Wednesday, April 10, 2002.

1 Commissioner Young requested further information with regard to these zoning  
2 amendments as they relate to the Comprehensive Plan.

3  
4 Commissioner Maks emphasized that the Zoning Map is what implements the  
5 zones as they relate to the Comprehensive Plan, pointing out that while the  
6 Comprehensive Plan might indicate Commercial, there are many different types  
7 of Commercial.

8  
9 Commissioner Barnard explained that certain sections of the Zoning Map do not  
10 conform to the revisions to the Comprehensive Plan.

11  
12 Commissioner Maks pointed out that the Planning Commission is required to  
13 periodically review both the Comprehensive Plan and Zoning Map approximately  
14 every seven to ten years.

15  
16 Mr. Sparks responded that this issue has been dealt with on the staff level  
17 numerous times, specifically whether if it is consistent, why it is necessary to  
18 follow the entire process repeatedly. He emphasized that the City of Beaverton  
19 does not have an acknowledged Comprehensive Plan at this time, noting that this  
20 document is currently in the process of being acknowledged. He mentioned that  
21 in the new Development Code, within the approval criteria for a quasi-judicial  
22 rezone, there is a reference to whether it is consistent with the policies of the  
23 Comprehensive Plan, rather than Statewide planning goals.

24  
25 Commissioner Maks pointed out that the Planning Commission basically  
26 addresses conditional uses, planned unit developments, variances and other  
27 applications that are not outright uses and those that involve special issues and  
28 requiring special consideration. He emphasized that with these applications, it is  
29 necessary to show that the Comprehensive Plan has been appropriately addressed.

30  
31 Mr. Sparks clarified that Commissioner Maks is referring to the actual policies  
32 within the Comprehensive Plan.

33  
34 Mr. Naemura briefly explained that the Functional Plan sometimes provides a  
35 convenient method for discussing the policies that are implemented and the  
36 choices that are made, adding that it is anticipated that once the new  
37 Comprehensive Plan has been acknowledged, this will eliminate, in some  
38 instances, the requirement to address Statewide planning goals.

39  
40 The meeting adjourned at 9:38 p.m.